

1 **GEORGE L. HASSELBACK, Esq.**
2 **O'Connor Berman Dotts & Banes**
3 **Second Floor, Nauru Building**
4 **P.O. Box 501969**
5 **Saipan, MP 96950**
6 **Telephone No. (670) 234-5684**
7 **Facsimile No. (670) 234-5683**

8 **Attorneys for Plaintiffs Moses T. and Qianyan S. Fejeran**

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN MARIANA ISLANDS**

11 **MOSES T. FEJERAN and**
12 **QIANYAN S. FEJERAN,**

13 **Plaintiffs,**

14 **vs.**

15 **AVIATION SERVICES (CNMI), LTD.**
16 **d.b.a. FREEDOM AIR,**

17 **Defendant.**

) **CIVIL ACTION NO. 05-0033**
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)
) **DECLARATION OF GEORGE L.**
) **HASSELBACK**
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18 I, George L. Hasselback, declare under the penalty of perjury that the following is true
19 and based upon my personal knowledge, except where noted otherwise, and if called to testify, I
20 could do so competently:

21 1. In my capacity as an associate for O'Connor, Berman, Dotts & Banes (counsel of record
22 for the Defendant in the above-captioned matter), I have contacted and retained on behalf of my
23 clients, several individuals to act as expert witnesses in the above-captioned case.

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25 2. Plaintiffs have retained Mr. Frank Perez ("Mr. Perez") to offer an expert opinion as to
26 the safety of the stairway at issue in this lawsuit. Mr. Perez was able to conduct an inspection of
27 the stairway earlier this summer while on Guam for other business. Mr. Perez has not
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1 completed his final evaluation of the stairway, but has indicated that the earliest by which he
2 will be able to complete this report is mid to late September. Additionally, Mr. Perez will need
3 time to evaluate the opinions offered by Defendant's liability expert, Richard T. Gill and
4 formulate any rebuttal to those opinions that he may have.
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7 3. Plaintiff's have retained Doris Schriver as a professional life-care planner to offer an
8 opinion as to economic impact to Plaintiff's lives as a result of the injuries that Mr. Fejeran
9 sustained. She initially indicated that she would be in Guam in mid-October and would be able
10 to conduct an examination of Mr. Fejeran then, but has since informed me that this trip has been
11 cancelled. She has not been able to confirm the next date upon which she will be able to travel
12 to Micronesia, but counsel for the Defendant and I have discussed the possibility of her
13 conducting such an examination a more mutually convenient time and place, possibly while
14 Defendant's medical expert examines Mr. Fejeran. At this time, counsel for the Parties are still
15 attempting to make such arrangements.
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18 4. Plaintiffs have not retained a medical expert. Plaintiff's do not know if they will need to
19 do so, as they have not yet seen the opinions of Defendant's medical expert. I have been
20 informed by counsel for Defendant, that due to the undue delay on the part of the
21 Commonwealth Health Center in providing a complete set of medical records, Defendant's
22 expert has only recently been able to begin his assessment. The Commonwealth Health Center
23 had to be compelled via subpoena before turning over a complete set of Mr. Fejeran's medical
24 records thus preventing Plaintiffs from providing a complete copy to Defendant.
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1 I declare under the penalty of perjury that the foregoing is true, correct and complete to the best
2 of my knowelge.

3
4 Dated, September 11, 2006, Saipan, CNMI.
5

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7 _____
8 George L. Hasselback, Esq.
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1 CARLSMITH BALL LLP

2 DAVID LEDGER (CNMI BAR NO. F0195)

3 Carlsmith Ball LLP Building

4 Capitol Hill

5 Post Office Box 5241

6 Saipan, MP 96950-5241

7 Tel No. 670.322.3455

8 Attorneys for Defendant

9 Aviation Services (CNMI), Ltd. dba Freedom Air

10 UNITED STATES DISTRICT COURT

11 FOR THE

12 NORTHERN MARIANA ISLANDS

13 MOSES T. FEJERAN and
14 QIANYAN S. FEJERAN,

15 Plaintiffs,

16 vs.

17 AVIATION SERVICES (CNMI), LTD.
18 dba FREEDOM AIR,

19 Defendant.

CIVIL ACTION NO. 05-0033

**DECLARATION OF DAVID LEDGER;
CERTIFICATE OF SERVICE**

20 I, DAVID LEDGER, declare under penalty of perjury that the following statements are
21 true and correct:

22 1. I have personal knowledge of the facts stated in this declaration except as
23 otherwise indicated.

24 2. I would testify competently to these facts if called by the Court to do so.

25 3. I am licensed to practice law in the Commonwealth of the Northern Mariana
26 Islands and am admitted to this Court.

27 4. I am the attorney for Aviation Services (CNMI), Ltd. dba Freedom Air.
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1 5. This Declaration is filed in support of the parties Joint Motion To Re-set Trial
2 Date.

3 6. Freedom Air has retained Richard T. Gill to provide expert opinion on liability
4 issues. Mr. Gill resides in Spokane, Washington. In particular, Mr. Gill will review the expert
5 opinion(s) of Plaintiff's expert Frank Perez and provide rebuttal opinion. Mr. Gill will also
6 provide affirmative opinion(s) regarding the condition of the aircraft stair and related issues. Mr.
7 Gill has not yet been able to schedule an inspection of the aircraft, which will have to be on
8 Guam.

9
10 7. Freedom Air has retained Dr. Peter Diamond of the Honolulu Sports Medical
11 Group, Honolulu, Hawaii to provide expert medical opinion. Though Plaintiff produced (after
12 diligent and lengthy efforts) medical records which were in turn handed over to Dr. Diamond to
13 review, the records after all proved to be incomplete. In particular, operative reports and
14 diagnostic results were not included among the records Plaintiff provided. As a result, Freedom
15 Air had to serve subpoenas on Commonwealth Health Center and Guam Radiology Clinic to
16 obtain the missing items. These items have now just recently been provided to Dr. Diamond for
17 him to review. Dr. Diamond's preliminary assessment after reviewing the incomplete records
18 was that he would in all likelihood need to see the Plaintiff for an examination. Dr. Diamond
19 will confirm this, or not, after reviewing the recently provided complete set of medical records. I
20 am are currently awaiting word on this.


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22 8. Freedom Air has consented to the recent designation by Plaintiff of a "life-care"
23 expert. Notwithstanding that such designation was made after the deadline to do so, Freedom
24 Air believes that Plaintiff designated this expert as soon as reasonably possible after the need
25 became known. In exchange for Defendant's consent to the out-of-time-designation, Plaintiff
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1 agreed to allow Freedom Air sufficient time to evaluate the expert opinion to be provided and if
2 necessary, to obtain rebuttal opinion.

3 I declare under penalty of perjury that the foregoing is true, correct and complete.
4

5 DATED: Hagåtña, Guam, September 11, 2006.

6 CARLSMITH BALL LLP


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8 DAVID LEDGER
9 Attorneys for Defendant
10 Aviation Services (CNMI), Ltd.
11 dba Freedom Air
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of September 2006, I will cause to be served, via electronic filing, a true and correct copy of **DECLARATION OF DAVID LEDGER** to the following Counsel of record.

George L. Hasselback, Esq.
O'Connor Berman Dotts & Banes
Second Floor, Nauru Building
Post Office Box 501969
Saipan, MP 96950

DATED: September 11, 2006.


DAVID LEDGER